

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

QBE AMERICAS, INC., d/b/a QBE NORTH
AMERICA,

Plaintiff,

vs.

KRISTINA ORCUTT, KRISTINA MULLIGAN,
and APPLIED UNDERWRITERS, INC.,

Defendants.

Case No. 1:22-cv-00757

Hon. Jed S. Rakoff

TEMPORARY RESTRAINING ORDER

WHEREAS, Plaintiff QBE AMERICAS, INC., d/b/a QBE NORTH AMERICA (“QBE” or “Plaintiff”) commenced this Action on January 18, 2022, by filing a Summons and Complaint, together with a proposed Order to Show Cause for a Temporary Restraining Order (“TRO”), seeking a Preliminary Injunction and Expedited Discovery ;

WHEREAS, at a Court conference on January 31, 2022, the Court directed the Plaintiff and Defendants Kristina Orcutt (“Orcutt”), Kristina Mulligan (“Mulligan”), and Applied Underwriters, Inc. (“Applied”) (collectively, “Defendants”) to meet and confer regarding an interim agreement regarding the resolution of Plaintiff’s application for a TRO;

IT IS HEREBY ORDERED, pending the Court’s decision regarding Plaintiff’s Motion for Preliminary Injunction, as follows:

1. Orcutt, Mulligan and Applied (including its officers, employees, agents, attorneys, parent companies, subsidiaries, affiliates, branches and all other persons or entities acting in concert with them), directly or indirectly through others, to the extent they/she/it,

individually or collectively, possess the documents alleged in the Complaint to have been taken from QBE by Orcutt, Mulligan, Steven Allen, or Greg Dekker, will not use, disclose, or share with any person or entity such documents or any other QBE confidential information in their possession;

2. Orcutt, Mulligan and Applied (including its officers, employees, agents, attorneys, parent companies, subsidiaries, affiliates, branches and all other persons or entities acting in concert with them) will not, directly or indirectly through others, solicit QBE employees engaged in the business of aviation insurance to join Applied or otherwise terminate their employment with QBE;

3. It is expressly understood and agreed that in entering into this Stipulation, Defendants are not waiving any jurisdictional defenses.

4. Orcutt, Mulligan, and Applied shall produce to QBE, no later than February 9, 2022, documents (including, but not limited to, e-mails, text messages, and messages sent through any social media platform) reflecting any communications (including, but not limited to, e-mails, text messages, and messages sent through any social media platform) between Orcutt and/or Mulligan, on the one hand, and representatives and employees of Applied, on the other hand, sent or received from January 1, 2021 through and including October 1, 2021;

5. Plaintiff shall post a bond of \$10,000 with the Clerk of the Court by 5:00 p.m. on Monday, February 7, 2022.

6. Nothing in this Stipulation shall be construed as an admission by any party, and further, nothing in the Stipulation shall be construed as waiving any claims or defenses of any party.

February 2, 2022



Jed S. Rakoff, U.S.D.J.